



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

COPY MAILED

JUN 30 2008

In re Application of :
Takeshi Fukada :
Application No. 10/656,263 : ON PETITION
Filed: September 8, 2003 :
Attorney Docket No. 07977-256002 :

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed June 17, 2008.

The petition under 37 CFR 1.181(a) is **DISMISSED**.

The above-identified application became abandoned for failure to reply to the Notice of Allowance and Issue Fee Due mailed January 3, 2008. The notice set a statutory period for reply of three months from its mailing date. No response was received within the allowable period, and the application became abandoned on April 4, 2008.

Petitioner maintains that the notice was never received and that the holding of abandonment should be withdrawn, accordingly.

A review of the application file and the Office computer records reveals that on January 3, 2008, (the date the notice was mailed), the address of record was cited as "Fish & Richardson, P.C., P.O. Box 1022, Minneapolis, Minnesota 55440-1022." Although the notice was returned to the USPTO as undeliverable, it is noted that all correspondence in the application was previously mailed to this address and received. It is noted that the petition cites a different address. Petitioner argues that the holding of abandonment should be withdrawn because the notice was not received.

Petitioner's argument is not persuasive. Petitioner has not demonstrated that "Fish & Richardson, P.C., P.O. Box 1022, Minneapolis, Minnesota 55440-1022" was the correct address of record on the date the notice was mailed. Applicants are required to provide the USPTO with a timely notification of a change of correspondence address and withdrawal of a holding of abandonment would not be appropriate when a notice is mailed, but there was a material change in a correspondence address and petitioner failed to provide timely notice same. Petitioner must either demonstrate, by a clear statement of this fact, that the Notice of Allowance and Issue Fee Due was not received at "Fish & Richardson, P.C., P.O. Box 1022, Minneapolis, Minnesota 55440-1022" or establish that petitioner notified the USPTO of the change of correspondence address to prior to the mailing of the Notice of Allowance Issue Fee Due was not received at that address.

Petitioner may file a petition under 37 CFR 1.137(b) to revive the application. The fee for the petition is \$1500.00 large entity or \$750.00 for a small entity.

The address cited on the petition differs from the address of record. Although a courtesy copy of this decision is being mailed to the address cited on the petition, all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
John F. Hayden
Fish & Richardson
1425 K Street, NW
Washington, DC 20005-3500